IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.488 OF 2006

Dara Kaikushroo Moriabadi Irani & Ors. ...Appellants

vs.

Moti Dinshaw Irani & Ors. ...Respondents

Mr.R.G.Ketkar for the Appellants
Mr.J.S.Kini i/b Mr.Kinjal Haria for the Respondent

CORAM: A.S.OKA,J.
DATE : JULY 16, 2007.

P.C.:

1. Heard Advocates for the parties. The perusal of the Judgment of the trial court shows that the suit filed by the first and second Respondents was for seeking a decree of eviction under the provision of Maharashtra Rent Control Act,1999. The learned Counsel for the first and second Respondents reiterates that the suit was filed by the first and second Respondents invoking the jurisdiction of the court under section 33 of the Maharashtra Rent Control Act,1999. Therefore, the Appeal preferred in the District Court was obviously under section 34 of the said Act of 1999. Under sub- section 3 of section 34 of the said Act of 1999, no further Appeal is maintainable against the decree passed in Appeal under sub section 1 of section 34 of the said Act of 1999.

2. In view of this position, Second Appeal is not

maintainable and the same is dismissed only on the ground that the same is not maintainable. Ad-interim relief granted by this Court on 26th April 2006 will continue to operate for a period of six weeks from today to enable the Appellants to file appropriate proceedings.

3. All contentions of the parties regarding maintainability of the suit are kept open.

JUDGE